

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JUNE 7, 2012

AMENDED IN SENATE APRIL 30, 2012

AMENDED IN SENATE APRIL 10, 2012

**SENATE BILL**

**No. 1087**

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**Introduced by Senator Walters**

February 15, 2012

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An act to amend Section 8484.3 of the Education Code, and to amend Sections *Section* 1596.793 and 18897 of, and to add Sections 18897.8 and 18897.9 to, the Health and Safety Code, relating to organized camps.

LEGISLATIVE COUNSEL'S DIGEST

SB 1087, as amended, Walters. Organized camps.

~~(1) Existing law requires the Director of the State Department of Public Health to establish rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps that the director determines are necessary to protect the health and safety of the campers.~~

~~This bill would require the department, in amending the rules and regulations pertaining to organized camps, to make reasonable efforts to obtain the input and advice of organizations in the field.~~

~~(2) Existing~~

~~Existing law permits a participating program operated by a city, county, or nonprofit organization in the After School Learning and Safe Neighborhoods Partnership Program to operate for up to 30 hours per week without obtaining a license or special permit otherwise required under existing law.~~

The bill would increase the authorization to 60 hours per week ~~and provide, provided~~ that an individual pupil cannot ~~be in care in~~ attend the program for more than 30 hours per week.

~~(3) Existing~~

*Existing* law regulates the licensure and administration of day care centers and family day care centers and exempts specified recreation programs conducted for children from these regulations.

The bill would expand the scope of this exemption *to organized resident and day camps or similar organizations.*

~~(4) Existing law establishes minimum standards for the operation, regulation, and enforcement of organized camps, as defined.~~

~~The bill would recast the term “organized camp” as “organized resident camp” and define that term. The bill would define the term “organized day camp” and require an organized resident camp and organized day camp to provide written verification of that camp’s accreditation or to develop an operating plan. The bill would set forth the approval process of operating plans and would authorize the local health department to inspect a camp that provides verification or applies for plan approval.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8484.3 of the Education Code is amended  
2 to read:  
3 8484.3. (a) Programs established pursuant to this article shall  
4 not be required to comply with the requirements of other provisions  
5 of this chapter or requirements set forth in Chapter 19 of Division  
6 1 of Title 5 of the California Code of Regulations.  
7 (b) Notwithstanding any other provision of law or regulation,  
8 an After School Education and Safety Program (ASES) operated  
9 by a city, county, or nonprofit organization pursuant to this article  
10 may operate for up to 60 hours per week without obtaining a license  
11 or special permit under Chapter 3.4 (commencing with Section  
12 1596.70) or Chapter 3.5 (commencing with Section 1596.90) of  
13 Division 2 of the Health and Safety Code. ~~A pupil shall not attend~~  
14 ~~an~~, *provided that a pupil shall not be allowed to attend the ASES*  
15 *program for more than 30 hours per week. An ASES program shall*  
16 *not receive any additional funding pursuant to this subdivision.*

SEC. 2. Section 1596.793 of the Health and Safety Code is amended to read:

1596.793. This chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30) do not apply to recreation programs conducted for children by the YMCA, Girl Scouts of the USA, Boy Scouts of America, Boys and Girls Clubs, Camp Fire USA, organized resident camps, organized day camps, or similar organizations. However, child day care programs conducted by these organizations and the fees charged for those purposes shall be subject to the requirements of this chapter, Chapter 3.5 (commencing with Section 1596.90) and Chapter 3.6 (commencing with Section 1597.30).

~~SEC. 3. Section 18897 of the Health and Safety Code is amended to read:~~

~~18897. (a) (1) “Organized resident camp” means a site with programs and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five consecutive days or more during one or more seasons of the year. An overnight stay is not required to meet this definition. Programs, retreats, conferences, and events held on organized resident campsites that are less than five consecutive days in duration shall not be required to meet the provisions of this section, but shall comply with subdivision (a) of Section 30751 of Title 17 of the California Code of Regulations. Camps accredited or operated by organizations including, but not limited to, the American Camp Association, YMCA, Girl Scouts of the USA, Boy Scouts of America, Camp Fire USA, Boys and Girls Clubs, Salvation Army, and Christian Camp and Conference Association camps, shall be considered prototypes of an organized resident camp. Groups that lease an organized resident camp for the purpose of conducting a camp session shall comply with all legal requirements applicable to an organized resident camp.~~

~~(2) “Organized day camp” means a site or program serving schoolage children up to 17 years of age, inclusive, which operates seasonally during times when school is not regularly in session. Organized day camp sites shall be subject to the applicable requirements of Sections 30700 to 30741, inclusive, of Subchapter 6 of Title 17 of the California Code of Regulations. An organized day camp focuses on group-based recreation and expanded learning~~

1 opportunities with social, spiritual, educational, or recreational  
2 objectives. An organized day camp may provide for up to three  
3 overnight stays and may transport campers to parks, beaches,  
4 campsites, and other excursion locations for activities. If an  
5 overnight stay is included, provisions for food handling and  
6 storage, hand washing, and restrooms shall be made as required  
7 by Sections 30700 to 30741, inclusive, of Subchapter 6 of Title  
8 17 of the California Code of Regulations. An organized day camp  
9 shall have a qualified program director present who has at least  
10 two seasons of administrative or supervisory experience at an  
11 organized resident camp, organized day camp, or youth program  
12 and a staff adequate to carry out the program. An organized resident  
13 day camp shall use the same counselor-to-camper ratio as that  
14 required of an organized camp, as specified in subdivision (b) of  
15 Section 30751 of Title 17 of the California Code of Regulations.

16 (3) Membership in any of the following organizations shall also  
17 be indicative of status as an “organized resident camp” or  
18 “organized day camp” for purposes of this section:

19 (A) The American Camp Association.

20 (B) The Association for Environmental and Outdoor Education.

21 (C) Christian Camp and Conference Association.

22 (D) Western Association of Independent Camps.

23 (E) The Boy Scouts of America.

24 (F) The YMCA.

25 (G) Other similar camping associations.

26 (b) Each employee of an organized day camp shall have a  
27 criminal record check as specified in subdivision (a) of Section  
28 30751 of Title 17 of the California Code of Regulations.

29 (e) The terms “organized resident camp” and “organized day  
30 camp” do not include a motel, tourist camp, trailer park, resort,  
31 hunting camp, auto court, labor camp, penal or correctional camp  
32 and do not include a licensed child care facility or home-finding  
33 agency.

34 (d) The term “organized resident camp” or “organized day  
35 camp” also does not include any charitable or recreational  
36 organization that complies with the rules and regulations for  
37 recreational trailer parks.

38 (e) Organized resident camps or organized day camps operated  
39 by cities or counties shall meet the provisions of this chapter.

1     ~~SEC. 4. Section 18897.8 is added to the Health and Safety~~  
2     ~~Code, to read:~~

3     ~~18897.8. (a) (1) An organized resident camp or day camp~~  
4     ~~shall provide written verification that the camp is accredited by~~  
5     ~~the American Camp Association (ACA) or develop a written~~  
6     ~~operating plan and file the plan with the local health department~~  
7     ~~at least 30 days prior to operation. The local health department~~  
8     ~~shall acknowledge receipt of the verification of ACA accreditation~~  
9     ~~or the approved operating plan within 30 days. A copy of the local~~  
10    ~~health department's acknowledgment of accreditation or plan~~  
11    ~~approval acknowledgment letter shall be posted in a conspicuous~~  
12    ~~location, on camp premises, and on any available Internet Web~~  
13    ~~site associated with the camp.~~

14    ~~(2) If the local health department does not respond within the~~  
15    ~~time frame specified in paragraph (1), the accreditation document~~  
16    ~~or operating plan shall be deemed to be approved. The department~~  
17    ~~may inspect a camp that provides proof of accreditation or applies~~  
18    ~~for operating plan approval and charge a fee for that purpose, not~~  
19    ~~to exceed the actual cost of the visit. There shall be no charge for~~  
20    ~~camp accreditation acknowledgment.~~

21    ~~(3) The department may charge a fee for the approval of an~~  
22    ~~operating plan, which shall not exceed the actual cost of plan~~  
23    ~~review. A camp that has been denied approval shall have the right~~  
24    ~~to appeal that decision to the local health department.~~

25    ~~(b) (1) If an organized resident camp or organized day camp~~  
26    ~~also constructs or operates educational facilities and programs,~~  
27    ~~which include, but are not limited to, ropes courses, challenge~~  
28    ~~courses, climbing walls, rappelling towers, zip lines, canopy tours,~~  
29    ~~or other similar adventure challenges, the camp shall include in~~  
30    ~~the written operating plan prepared pursuant to subdivision (a) a~~  
31    ~~provision keeping campers separated from individuals who use~~  
32    ~~these facilities on a day-use basis, a provision that oversight of~~  
33    ~~activities is provided by camp staff, and also provisions that meet~~  
34    ~~the construction and operating standards of one or more of the~~  
35    ~~following:~~

36    ~~(A) The American Camp Association.~~

37    ~~(B) The Association of Challenge Course Technology.~~

38    ~~(C) Project COPE standards.~~

39    ~~(D) An equivalent certification program.~~

1     ~~(2) A written operating plan prepared pursuant to this~~  
2     ~~subdivision shall be filed with the local health department at least~~  
3     ~~30 days prior to construction, and shall also be filed annually~~  
4     ~~thereafter. Camps shall submit their plans and any associated fees~~  
5     ~~to the local health department by certified mail.~~

6     ~~SEC. 5. Section 18897.9 is added to the Health and Safety~~  
7     ~~Code, to read:~~

8     ~~18897.9. The State Department of Public Health, in amending~~  
9     ~~the rules and regulations pertaining to organized resident camps~~  
10    ~~and organized day camps as set forth in Sections 30700 to 30753,~~  
11    ~~inclusive, of Title 17 of the California Code of Regulations, shall~~  
12    ~~make reasonable efforts to obtain the input and advice of~~  
13    ~~organizations in the field. All costs incurred by the participating~~  
14    ~~organizations shall be borne by the organizations themselves. The~~  
15    ~~department shall implement this section in the most cost-effective~~  
16    ~~manner deemed feasible.~~